

## REMARKS

The claims in the application are Claims 1-25 and Claims 26-28 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

The present amendment is being made in accordance with a telephone interview between the Examiner in charge of the above-identified application and undersigned attorney on Wednesday, August 31, 2011. The courtesy extended by the Examiner in arranging for and conducting the telephone interview, is greatly appreciated.

Independent Claim 1 has been amended as agreed during the telephone interview (please see Interview Summary PTOL-413), namely to recite the step of collecting, i.e., capturing and retaining generated hydrogen and/or oxyhydrogen gases from the space 14 above the liquid 9 (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application). The amendment to independent method Claims 1 and 7 finds support throughout the present application and drawing, e.g., in the first paragraph on page 6 of the specification.

Apparatus Claim 15 has been amended in similar fashion while Claims 26 and 27 added herein find support, e.g., at the top of page 5 of the specification and in the drawing. Additionally, Claim 28 added herein finds support, e.g., at the top of page 3 of the specification.

Claims 1-6, 8-10, 12, 14-20, 22, 23 and 25 have now been rejected under 35 U.S.C. §103 as being obvious over EP 0650 929 to Sampson in paragraph 5 of the Office Action while Claim 7 has again been rejected under 35 U.S.C. §103 as obvious additionally in view of EP 0237402 to Schirmann in paragraph 6 of the Office Action, Claims 11, 13 and 24 rejected as obvious additionally in view of JP59-092028 to

Tokuyama in paragraph 7 of the Office Action and Claim 21 rejected as obvious additionally in view of newly-cited U.S. Pat. Pub. No. 2004/0045836 to Tseng in paragraph 8 of the Office Action.

As agreed during the telephone interview (please see Interview Summary PTOL-413), Sampson is directed to an electrolytic process for purification of liquid, i.e., relates to electrolytically oxidizing or reducing reactive species in dilute solution, e.g., for producing halous acids, and does not produce hydrogen and/or oxyhydrogen gases but rather regenerates ion exchange material as disclosed at page 7, lines 6-7 of this reference (please see, e.g., paragraph 8 of the previously-submitted Declaration under 37 C.F.R. §1.132 from inventor Franz Roiner). Accordingly, Sampson fails to either anticipate or render obvious the invention recited in any pending claim.

In this regard, neither Schirmann nor Tokuyama adds anything to Sampson which would render obvious the invention recited in any pending claim because Schirmann relates to jointly producing hydrogen peroxide and isobutene while the English abstract of Tokuyama makes no mention of producing hydrogen and/or oxyhydrogen gases (please see, e.g., paragraph 10 of the previously-submitted Declaration under 37 C.F.R. §1.132 from inventor Franz Roiner).

Paragraph [0039] of Tseng (cited in paragraph 8 of the Office Action against Claim 21) relates to drawing chlorine gas 10 from one vessel into another vessel 40 for producing hypochlorite gas through an inlet 41 below level of alkaline water therein. A vacuum 44 may be applied to exert negative pressure inducing flow of chlorine gas 10 into the vessel 40. Accordingly, Tseng fails to teach means for explicitly suctioning gas, i.e., hydrogen and/or oxyhydrogen gases, from the space 14 situated above the upper level 8 of liquid 9 within the container 1 and underneath the

top cover 4 which accumulates, captures and retains the hydrogen and/or oxyhydrogen gases. Accordingly, Tseng also adds nothing to Sampson which would render obvious the invention recited in any pending claim.

The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment, accompanying remarks and telephone interview, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. The requisite fee for a one-month extension of time for response under 37 C.F.R. §1.136(a) is enclosed together with the requisite fee for the additional claims.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George M. Kaplan", is written over a horizontal line.

George M. Kaplan  
Reg. No. 28,375  
Attorney for Applicant(s)

**DILWORTH & BARRESE, LLP**  
1000 Woodbury Road, Suite 405  
Woodbury, New York 11797  
Phone: 516-228-8484  
Facsimile: 516-228-8516